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In re Application of	:	DECISION ON
George Margetts et al	:	
PCT No.: PCT/GB2004/001663	:	
Application No.: 10/553,111	:	
Int. Filing Date: 16 April 2004	:	PAPERS FILED
Priority Date: 16 April 2003	:	
Attorney's Docket No.: 10103-030-999	:	
For: USE OF STERIOD DERIVATIVES...	:	
PROLIFERATIVE DISORDERS	:	UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC §371" filed 06 November 2006, which has been treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

In a decision from this Office on 02 October 2006, the request filed on 13 June 2006 was dismissed. The decision indicated that the residence and mailing address of the legal representative and the deceased inventor had not been provided as required under 37 CFR 1.63.

On 02 October 2005, applicants filed the current response, stating that the enclosed Declaration complies with the requirements of 37 CFR 1.497(b)(2) that John Lester is the legal representative of the deceased inventor George Margetts.

**DISCUSSION**

A review of the application file still reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the co-joint inventor George Margetts is deceased John Wilbraham Lester and has been appointed as the legal representatives for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance if the information provided as stated by Mr. Bruner is of the legal representative, then the declaration does not provide the necessary information for the deceased inventor, George Margetts. Thus, the citizenship, residence and mailing address of the deceased inventor and the citizenship(must), residence and mailing address(should) of the legal representative be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

### **CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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